



1652

Docket No.: 20347 US1 (C38435/128985)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Heinrich BACHMANN *et al.*)
Serial No.: 10/053,192)
Filed: January 15, 2002)
For: **β,β -CAROTENE 15,15'-MONOOXYGENASES,**)
NUCLEIC ACID SEQUENCES CODING)
THEREFOR AND THEIR USE)

Examiner: Yong D. PAK

Art Unit: 1652

New York, New York
June 20, 2003

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

TECH CENTER 1600/2900

This is in response to the Office Action mailed May 20, 2003, which set a one-month shortened statutory period for response. Accordingly, this Response is timely filed with an executed certificate of mailing on or before June 20, 2003. It is not believed that this response occasions any fee, but should there be any fee, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

On page 2 of the Office Action, the Examiner issued a four-way restriction requirement pursuant to 35 U.S.C. § 121. The restriction divided the claims into the following allegedly distinct inventions:

Group I drawn to "dioxygenase [*sic*] and a method of use thereof" containing claims 1-5 and 33, Group II drawn to "DNA encoding dioxygenase [*sic*] and vector encoding said DNA, host cell comprising thereof [*sic*], antisense RNA

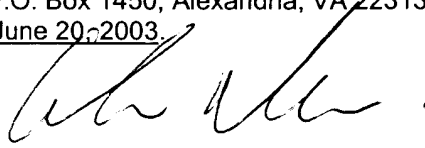
and primer, probe and test kit for amplifying/detection of said DNA" containing claims 6-15, 19-32, and 34-36, Group III drawn to an "antibody against dioxygenase [sic] and method of using antibody" containing claims 16-17, and Group IV drawn to "a method of producing Vitamin A" containing claim 18. (Paper No. 8 at 2).

Initially, we note that the specification and claims are drawn to *monooxygenases*. However, the restriction requirement refers to "*dioxygenases*." With a view towards furthering prosecution, we assume that the Examiner has made an inadvertent typographical error and meant *monooxygenases* instead of *dioxygenases*. Should this assumption be incorrect, we respectfully request that the Examiner contact the undersigned in order to resolve any confusion regarding the subject matter covered by the claims.

In accordance with restriction practice, the subject matter of claims 6-15, 19-32, and 34-36 (Group II) is hereby elected for prosecution with traverse.

For the reasons set forth above, examination on the merits and allowance of the claims respectfully is requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 20, 2003.


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Respectfully submitted,

By: 

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